

Senate File 506 - Introduced

SENATE FILE 506

BY CHAPMAN

A BILL FOR

1 An Act relating to operating-while-intoxicated offenses,
2 including the lookback period for prior convictions,
3 temporary restricted licenses, and ignition interlock
4 devices, providing penalties, and making penalties
5 applicable.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.12, subsection 4, Code 2021, is
2 amended to read as follows:

3 4. The ~~director~~ department shall not destroy any operating
4 records of a person still living pertaining to arrests or
5 convictions for operating while intoxicated, in violation of
6 section 321J.2, or reckless driving in violation of section
7 321.277 and public intoxication in violation of section 123.46,
8 subsection 2, following an arrest for a violation of section
9 321J.2, or operating records pertaining to revocations for
10 violations of section 321J.2A, ~~except that a conviction or~~
11 ~~revocation under section 321J.2 or 321J.2A that is not subject~~
12 ~~to 49 C.F.R. pt. 383 shall be deleted from the operating~~
13 ~~records twelve years after the date of conviction or the~~
14 ~~effective date of revocation. Convictions or revocations that~~
15 ~~are retained in the operating records for more than twelve~~
16 ~~years under this subsection shall be considered only for~~
17 ~~purposes of disqualification actions under 49 C.F.R. pt. 383.~~

18 Sec. 2. Section 321.101, Code 2021, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 1A. When a vehicle is registered to
21 an owner subject to ignition interlock device requirements
22 pursuant to section 321J.20, the department shall suspend the
23 registration of the vehicle until the department receives
24 reasonable proof that the person has complied with section
25 321J.20. However, the department shall not suspend the
26 registration, or shall reinstate a registration suspended under
27 this subsection, if a family member of an owner who is subject
28 to ignition interlock device requirements submits an affidavit
29 to the department declaring that the family member regularly
30 operated the motor vehicle registered to the owner prior to
31 the owner's revocation under chapter 321J and affirming the
32 family member will not knowingly allow the owner to operate the
33 motor vehicle. A person who submits such an affidavit and who
34 knowingly allows the owner to operate the vehicle or provides
35 access to and use of the vehicle to the owner while the owner

1 is subject to ignition interlock device requirements and the
2 vehicle does not have an ignition interlock device installed is
3 guilty of a simple misdemeanor.

4 Sec. 3. Section 321J.2, subsection 3, paragraph d, Code
5 2021, is amended to read as follows:

6 d. Revocation of the person's driver's license for a minimum
7 period of one hundred eighty days up to a maximum revocation
8 period of one year, pursuant to section 321J.4, subsection
9 1, [section 321J.9](#), or [section 321J.12](#). ~~The department shall~~
10 ~~require the defendant to install an ignition interlock device~~
11 ~~of a type approved by the commissioner of public safety on all~~
12 ~~vehicles owned or operated by the defendant if the defendant~~
13 ~~seeks a temporary restricted license.~~

14 Sec. 4. Section 321J.2, subsection 8, paragraph a, Code
15 2021, is amended to read as follows:

16 a. Any conviction or revocation ~~deleted from motor vehicle~~
17 ~~operating records pursuant to [section 321.12](#) under this~~
18 ~~section, or any conviction for reckless driving in violation of~~
19 ~~section 321.277 and public intoxication in violation of section~~
20 ~~123.46, subsection 2, following an arrest for a violation of~~
21 ~~this section shall not be considered as a previous offense.~~

22 Sec. 5. Section 321J.4, subsections 1, 2, 3, and 4, Code
23 2021, are amended to read as follows:

24 1. If a defendant is convicted of a violation of section
25 321J.2 and the defendant's driver's license or nonresident
26 operating privilege has not been revoked under [section 321J.9](#)
27 or [321J.12](#) for the occurrence from which the arrest arose, the
28 department shall revoke the defendant's driver's license or
29 nonresident operating privilege for one hundred eighty days
30 if the defendant submitted to chemical testing and has had
31 no previous conviction or revocation under [this chapter](#) and
32 shall revoke the defendant's driver's license or nonresident
33 operating privilege for one year if the defendant refused to
34 submit to chemical testing and has had no previous conviction
35 or revocation under [this chapter](#). ~~The department shall require~~

~~1 the defendant to install an ignition interlock device of a type
2 approved by the commissioner of public safety on all vehicles
3 owned or operated by the defendant if the defendant seeks a
4 temporary restricted license.~~

5 2. If a defendant is convicted of a violation of section
6 321J.2, and the defendant's driver's license or nonresident
7 operating privilege has not already been revoked under section
8 321J.9 or [321J.12](#) for the occurrence from which the arrest
9 arose, the department shall revoke the defendant's driver's
10 license or nonresident operating privilege for one year if the
11 defendant submitted to chemical testing and has had a previous
12 conviction or revocation under [this chapter](#) and shall revoke
13 the defendant's driver's license or nonresident operating
14 privilege for two years if the defendant refused to submit
15 to chemical testing and has had a previous revocation under
16 this chapter. ~~The department shall require the defendant to
17 install an ignition interlock device of a type approved by the
18 commissioner of public safety on all vehicles owned or operated
19 by the defendant if the defendant seeks a temporary restricted
20 license. A temporary restricted license shall not be granted
21 by the department until the defendant installs the ignition
22 interlock device.~~

23 3. If the court defers judgment pursuant to [section 907.3](#)
24 for a violation of [section 321J.2](#), and if the defendant's
25 driver's license or nonresident operating privilege has not
26 been revoked under [section 321J.9](#) or [321J.12](#), or has not
27 otherwise been revoked for the occurrence from which the arrest
28 arose, the department shall revoke the defendant's driver's
29 license or nonresident operating privilege for a period of
30 not less than thirty days nor more than ninety days. The
31 ~~department shall require the defendant to install an ignition
32 interlock device of a type approved by the commissioner
33 of public safety on all vehicles owned or operated by the
34 defendant if the defendant seeks a temporary restricted
35 license.~~

1 4. Upon a plea or verdict of guilty of a third or subsequent
2 violation of [section 321J.2](#), the department shall revoke the
3 defendant's driver's license or nonresident operating privilege
4 for a period of six years. ~~The department shall require the~~
5 ~~defendant to install an ignition interlock device of a type~~
6 ~~approved by the commissioner of public safety on all vehicles~~
7 ~~owned or operated by the defendant if the defendant seeks a~~
8 ~~temporary restricted license. A temporary restricted license~~
9 ~~shall not be granted by the department until the defendant~~
10 ~~installs the ignition interlock device.~~

11 Sec. 6. Section 321J.4, Code 2021, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 4A. For revocations under subsection 1, 2,
14 3, or 4, the department shall require the defendant to install
15 an ignition interlock device pursuant to section 321J.20 if the
16 defendant seeks a temporary restricted license. The department
17 shall not grant a temporary restricted license until the
18 defendant installs the ignition interlock device pursuant to
19 section 321J.20.

20 Sec. 7. Section 321J.4, subsection 8, paragraphs a, b, c,
21 and d, Code 2021, are amended to read as follows:

22 a. On a conviction for or as a condition of a deferred
23 judgment for a violation of [section 321J.2](#), the court may
24 order the defendant to install ignition interlock devices
25 ~~of a type approved by the commissioner of public safety on~~
26 ~~all motor vehicles owned or operated by the defendant which,~~
27 ~~without tampering or the intervention of another person, would~~
28 ~~prevent the defendant from operating the motor vehicle with an~~
29 ~~alcohol concentration greater than a level set by rule of the~~
30 ~~commissioner of public safety pursuant to section 321J.20.~~

31 ~~b. The commissioner of public safety shall adopt rules to~~
32 ~~approve certain ignition interlock devices and the means of~~
33 ~~installation of the devices, and shall establish the level of~~
34 ~~alcohol concentration beyond which an ignition interlock device~~
35 ~~will not allow operation of the motor vehicle in which it is~~

1 ~~installed.~~

2 ~~a.~~ b. The order to install ignition interlock devices shall
3 remain in effect for a period of time as determined by the
4 court which shall not exceed the maximum term of imprisonment
5 which the court could have imposed according to the nature of
6 the violation, unless otherwise extended under this chapter.
7 While the order is in effect, the defendant shall not operate
8 a motor vehicle which does not have an approved ignition
9 interlock device installed.

10 ~~d.~~ c. If the defendant's driver's license or nonresident
11 operating privilege has been revoked by court order, the
12 department shall not issue a temporary ~~permit~~ restricted
13 license or a driver's license to the person without
14 certification that approved ignition interlock devices have
15 been installed ~~in all motor vehicles owned or operated by the~~
16 ~~defendant~~ pursuant to section 321J.20 while the order is in
17 effect.

18 Sec. 8. Section 321J.17, subsections 1 and 3, Code 2021, are
19 amended to read as follows:

20 1. If the department revokes a person's driver's license
21 or nonresident operating privilege under this chapter, the
22 department shall assess the person a civil penalty of two
23 hundred dollars. The money collected by the department under
24 this section shall be transmitted to the treasurer of state
25 who shall deposit one-half of the money in the separate fund
26 established in section 915.94 and one-half of the money in the
27 general fund of the state. A temporary restricted license
28 shall not be issued unless an ignition interlock device has
29 been installed pursuant to section ~~321J.4~~ 321J.20. Except as
30 provided in section 321.210B, a temporary restricted license
31 shall not be issued or a driver's license or nonresident
32 operating privilege reinstated until the civil penalty has been
33 paid. A person assessed a penalty under this section may remit
34 the civil penalty along with a processing fee of five dollars
35 to a county treasurer authorized to issue driver's licenses

1 under [chapter 321M](#), or the civil penalty may be paid directly
2 to the department.

3 3. The department shall also require certification of
4 installation of an ignition interlock device ~~of a type approved~~
5 ~~by the commissioner of public safety on all motor vehicles~~
6 ~~owned or operated~~ pursuant to [section 321J.20](#) by any person
7 seeking reinstatement following a second or subsequent
8 revocation under [section 321J.4](#), [321J.9](#), or [321J.12](#). The
9 requirement for the installation of an approved ignition
10 interlock device shall be for one year from the date of
11 reinstatement unless a longer time period is required by
12 statute. The one-year period a person is required to maintain
13 an ignition interlock device under [this subsection](#) shall be
14 reduced by any period of time the person held a valid temporary
15 restricted license during the period of the revocation for
16 the occurrence from which the arrest arose. The person shall
17 not operate any motor vehicle which is not equipped with an
18 approved ignition interlock device during the period in which
19 an ignition interlock device must be maintained, and the
20 department shall not grant reinstatement unless the person
21 certifies installation of an ignition interlock device as
22 required in ~~this subsection~~ [section 321J.20](#).

23 Sec. 9. Section 321J.20, Code 2021, is amended to read as
24 follows:

25 **321J.20 Temporary restricted license — ignition interlock**
26 **devices.**

27 1. *Temporary restricted license issuance.*

28 a. The department may, on application, issue a temporary
29 restricted license to a person whose noncommercial driver's
30 license is revoked under [this chapter](#), or revoked or suspended
31 under [chapter 321](#) solely for violations of this chapter, or who
32 has been determined to be a habitual offender under [chapter 321](#)
33 based solely on violations of [this chapter](#) or on violations
34 listed in [section 321.560, subsection 1](#), paragraph "b",
35 allowing the person to operate a motor vehicle in any manner

1 allowed for a person issued a valid class C driver's license,
 2 unless otherwise prohibited by [this chapter](#). This ~~subsection~~
 3 ~~paragraph~~ does not apply to a person whose license was revoked
 4 under [section 321J.2A](#), to a person whose license was revoked
 5 under [section 321J.4, subsection 6](#), for the period during which
 6 the person is ineligible for a temporary restricted license, or
 7 to a person whose license is suspended or revoked for another
 8 reason.

9 ~~2. b.~~ A temporary restricted license issued under this
 10 section shall not be issued until the applicant installs an
 11 approved ignition interlock device on all motor vehicles owned
 12 or operated by the applicant. Installation of an ignition
 13 interlock device under [this section](#) shall be required for the
 14 period of time for which the temporary restricted license
 15 is issued, and for such additional period of time following
 16 reinstatement as is required under section 321J.17, subsection
 17 3, or this section. ~~However, a person whose driver's license~~
 18 ~~or nonresident operating privilege has been revoked under~~
 19 ~~[section 321J.21](#) may apply to the department for a temporary~~
 20 ~~restricted license without the requirement of an ignition~~
 21 ~~interlock device if at least twelve years have elapsed since~~
 22 ~~the end of the underlying revocation period for a violation of~~
 23 ~~[section 321J.2.](#)~~

24 ~~3.~~ 2. Temporary restricted license revocations. In addition
 25 to other penalties provided by law, a person's temporary
 26 restricted license shall be revoked if the person is required
 27 to install an ignition interlock device and the person does any
 28 of the following:

- 29 a. Operates a motor vehicle which does not have an approved
- 30 ignition interlock device.
- 31 b. Tamper with or circumvents an ignition interlock device.

32 ~~4.~~ 3. Prohibited motor vehicle operation.

33 a. A person holding a temporary restricted license issued
 34 by the department under [this section](#) shall not operate a
 35 commercial motor vehicle on a highway if a commercial driver's

1 license or commercial learner's permit is required for the
 2 person's operation of the commercial motor vehicle.

3 ~~5.~~ b. A person holding a temporary license issued by
 4 the department under this chapter shall be prohibited from
 5 operating a school bus.

6 ~~6.~~ 4. Department discretion.

7 a. Notwithstanding any provision of this chapter to the
 8 contrary, the department may issue a temporary restricted
 9 license to a person otherwise eligible for a temporary
 10 restricted license under this section, whose period of
 11 revocation under this chapter has expired, but who has not met
 12 all requirements for reinstatement of the person's driver's
 13 license or nonresident operating privileges.

14 b. Notwithstanding any provision of this chapter to the
 15 contrary, the department may issue a temporary restricted
 16 license to a person eligible for a temporary restricted
 17 license under this section if the person is also eligible for a
 18 temporary restricted license under section 321.215, provided
 19 the requirements of this section and section 321.215 are
 20 satisfied.

21 5. Installation of ignition interlock devices. The
 22 department shall require a person to install an ignition
 23 interlock device on all motor vehicles owned or operated
 24 by the person if the person seeks a temporary restricted
 25 license following a revocation under this chapter, subject to
 26 subsections 6 and 7.

27 6. Employment duty exception.

28 a. A person with a valid temporary restricted license who
 29 is subject to the ignition interlock device requirements under
 30 this section may operate the person's employer's motor vehicle
 31 that is not equipped with an ignition interlock device if all
 32 of the following conditions are met:

33 (1) The operation does not exceed two hours in any
 34 twenty-four-hour period.

35 (2) Prior to a person operating a motor vehicle within

1 the scope of the person's employment, the person's employer
2 completes and submits an affidavit to the department detailing
3 the employment duties that require the person to operate a
4 motor vehicle within the scope of the person's employment and
5 stating that the employer will ensure that the person does not
6 operate the employer's motor vehicle for more than two hours
7 during any twenty-four-hour period.

8 b. The person shall not be eligible to operate an employer's
9 motor vehicle if any of the following apply:

10 (1) The person has more than a twenty percent ownership
11 interest in the employer's entity or the person's family
12 member has more than a fifty percent ownership interest in the
13 employer's entity.

14 (2) The person operates the employer's motor vehicle to
15 commute to and from the place of employment.

16 (3) The person operates the employer's motor vehicle to the
17 person's residence, even if the residence is located along a
18 route on which the person is allowed to operate the employer's
19 motor vehicle as part of the person's employment duties.

20 7. Compliance-based removal.

21 a. (1) For a person convicted of a third or subsequent
22 offense for violating section 321J.2, the department shall
23 extend an ignition interlock device requirement by sixty days
24 if six or more of the following occur during the last sixty
25 days of the person's ignition interlock device requirement
26 period, excluding any sixty-day extensions required under this
27 paragraph:

28 (a) Any attempt to start the vehicle with a breath
29 alcohol concentration of 0.04 or more unless a subsequent
30 test performed within ten minutes registers a breath alcohol
31 concentration lower than 0.04 and the digital image confirms
32 the same person provided both samples.

33 (b) Any failure to submit a breath sample as required
34 by the device unless a review of the corresponding digital
35 image confirms that the vehicle was not operated by the person

1 subject to the device requirement at the time of the failure.

2 (c) Any failure to pass a retest with a breath alcohol
3 concentration of 0.025 or lower unless a subsequent test
4 performed within ten minutes registers a breath alcohol
5 concentration lower than 0.025, and the corresponding digital
6 image confirms the same person provided both samples.

7 (2) The department shall extend the person's ignition
8 interlock device requirement period for an additional sixty
9 days if three or more of the actions listed in subparagraph (1)
10 occur during the initial sixty-day extension or a subsequent
11 sixty-day extension.

12 (3) If a person is subject to four or more extensions under
13 this paragraph, the department shall require the person to
14 complete a substance abuse treatment program prior to issuing
15 a driver's license other than a temporary restricted license
16 to the person.

17 b. A court may impose a compliance-based removal period of
18 thirty or sixty days for a person whose driver's license was
19 revoked under section 321J.4, subsection 1, and the results of
20 an analysis of a specimen of the person's blood, breath, or
21 urine withdrawn in accordance with this chapter exceeded an
22 alcohol concentration of .19, or for a person whose license was
23 revoked under section 321J.4, subsection 2. If a court imposes
24 a compliance-based removal period, all of the following apply:

25 (1) If a sixty-day period is ordered, the compliance-based
26 removal period shall be extended by sixty days if six or more
27 actions occur as described in paragraph "a".

28 (2) If a thirty-day period is ordered, the compliance-based
29 removal period shall be extended by thirty days if three or
30 more actions occur as described in paragraph "a".

31 (3) If the compliance-based removal period is extended four
32 or more times under this paragraph, the department shall notify
33 the court, and the court may require the person to complete a
34 substance abuse treatment program.

35 c. The department shall verify a person's successful

1 completion of the compliance-based removal requirements prior
2 to issuing to the person a driver's license other than a
3 temporary restricted license.

4 d. An approved ignition interlock device manufacturer shall
5 submit to the department a report on a person's compliance when
6 the required compliance-based removal period ends, no less than
7 seven days after the period ends.

8 e. The department shall adopt rules pursuant to chapter 17A
9 to administer this subsection. The rules shall include all of
10 the following:

11 (1) The method to ensure ignition interlock device
12 manufacturers submit the required report at the end of a
13 person's required compliance period.

14 (2) The method by which a report must be sent detailing any
15 occurrences.

16 (3) The method by which the department verifies whether
17 to extend the ignition interlock device requirement period or
18 provide a person with a certificate of completion which shall
19 enable the person to remove the ignition interlock device.

20 8. Ignition interlock device specifications.

21 a. An ignition interlock device installed on or after the
22 effective date of this Act must be equipped with a camera
23 that is only capable of taking a still image photograph when
24 a breath specimen is requested by the device, when a breath
25 specimen is provided, and when a failure to provide a breath
26 specimen occurs.

27 b. The commissioner of public safety shall adopt rules to
28 approve certain ignition interlock devices. The rules shall
29 include but are not limited to all of the following:

30 (1) The means of installation of the devices.

31 (2) The camera and photograph requirements.

32 (3) The level of alcohol concentration beyond which an
33 ignition interlock device will not allow operation of the motor
34 vehicle on which it is installed.

35 7- 9. Tampering. A person who tampers with or circumvents

1 an ignition interlock device installed as required in this
 2 chapter and while the requirement for the ignition interlock
 3 device is in effect commits a serious misdemeanor.

4 10. *Penalty.* A person who has a temporary restricted
 5 license and who operates a motor vehicle without an ignition
 6 interlock device installed, except as provided in section
 7 321J.20, subsection 6, shall be subject to a criminal penalty
 8 as follows:

9 a. For a first offense, a serious misdemeanor.

10 b. For a second offense, an aggravated misdemeanor and the
 11 ignition interlock device requirement shall be extended by six
 12 months.

13 c. For a third offense, an aggravated misdemeanor,
 14 imprisonment in the county jail for a minimum of forty-eight
 15 hours, and the ignition interlock device requirement shall be
 16 extended by one year.

17 ~~8. Notwithstanding any provision of this chapter to the~~
 18 ~~contrary, the department may issue a temporary restricted~~
 19 ~~license to a person eligible for a temporary restricted~~
 20 ~~license under this section if the person is also eligible for a~~
 21 ~~temporary restricted license under section 321.215, provided~~
 22 ~~the requirements of this section and section 321.215 are~~
 23 ~~satisfied.~~

24 Sec. 10. Section 321J.21, Code 2021, is amended to read as
 25 follows:

26 **321J.21 Driving while license ~~suspended, denied, revoked, or~~**
 27 **~~barred.~~**

28 1. A person whose driver's license or nonresident
 29 operating privilege has been ~~suspended, denied, revoked,~~
 30 ~~or barred~~ due to a first violation of this chapter section
 31 321J.2, and who drives a motor vehicle while the license or
 32 privilege is ~~suspended, denied, revoked, or barred~~ commits a
 33 serious misdemeanor. ~~In addition to any other penalties, the~~
 34 ~~punishment imposed for a violation of this subsection shall~~
 35 ~~include assessment of a fine of one thousand dollars.~~

1 2. A person whose driver's license or nonresident operating
 2 privilege has been revoked due to a second violation of section
 3 321J.2, and who drives a motor vehicle while the license or
 4 privilege is revoked commits an aggravated misdemeanor and the
 5 person shall be imprisoned in the county jail for a minimum of
 6 forty-eight hours. In addition to any other penalties, the
 7 department shall extend the revocation period for one year.

8 3. A person whose driver's license or nonresident operating
 9 privilege has been revoked due to a third violation of section
 10 321J.2, and who drives a motor vehicle while the license or
 11 privilege is revoked commits an aggravated misdemeanor and the
 12 person shall be imprisoned in the county jail for a minimum of
 13 seven days. In addition to any other penalties, the department
 14 shall extend the revocation for one year.

15 4. A person whose driver's license or nonresident operating
 16 privilege has been revoked due to a fourth or subsequent
 17 violation of section 321J.2, and who drives a motor vehicle
 18 while the license or privilege is revoked commits a class
 19 "D" felony and the person shall be imprisoned in the county
 20 jail for a minimum of thirty days. In addition to any other
 21 penalties, the department shall extend the revocation period
 22 for two years.

23 5. For a violation of this section, a person shall
 24 be required to comply with the ignition interlock device
 25 requirements of section 321J.20 for the remaining time the
 26 person's operating privilege is revoked, including any required
 27 extension of such time, if the person operates a motor vehicle
 28 in any of the following conditions:

29 a. While under the influence of an alcoholic beverage or
 30 other drug or a combination of such substances.

31 b. While having an alcohol concentration above .00.

32 c. While any amount of a controlled substance is present in
 33 the person, as measured in the person's blood or urine.

34 ~~2. In addition to the fine, the department, upon receiving~~
 35 ~~the record of the conviction of a person under this section~~

~~1 upon a charge of driving a motor vehicle while the license of
2 the person was suspended, denied, revoked, or barred shall
3 extend the period of suspension, denial, revocation, or bar for
4 an additional like period, and the department shall not issue a
5 new license during the additional period.~~

6 Sec. 11. Section 811.2, subsection 1, Code 2021, is amended
7 by adding the following new paragraph:

8 NEW PARAGRAPH. c. Any bailable defendant who is charged
9 with a third or subsequent offense of operating while
10 intoxicated under section 321J.2, and who is ordered released
11 shall be required, as a condition of that release, to install
12 an ignition interlock device pursuant to section 321J.20. The
13 defendant shall provide proof to the court within thirty days
14 after being released from custody that the ignition interlock
15 device was properly installed.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 Under current law, a record for operating while intoxicated
20 (OWI) in violation of Code section 321J.2 is required to be
21 deleted from the department of transportation (DOT) operating
22 records 12 years after the date of conviction or the effective
23 date of a driver's license revocation. Deleted records
24 cannot be considered as a prior conviction for the purpose of
25 determining whether a current OWI violation is considered a
26 second, third, or subsequent offense by a court.

27 This bill prohibits the DOT from deleting any record of a
28 person's conviction or license revocation due to OWI violations
29 while the person is alive. The bill also provides that a
30 prior conviction for reckless driving and public intoxication
31 following an OWI arrest is considered a prior OWI conviction.

32 Under current law, a person whose license is revoked for OWI
33 is required to install an ignition interlock device (IID) prior
34 to receiving a temporary restricted license (TRL) from the DOT.
35 The IID must be installed on every vehicle owned or operated

1 by the person.

2 Current law requires persons convicted of a second or
3 subsequent OWI offense to install an IID for a minimum of one
4 year prior to being eligible for reinstatement of a driver's
5 license other than a TRL.

6 The bill adds compliance based removal (CBR) provisions
7 to the IID requirements. Under the bill, a person convicted
8 of a third or subsequent OWI is required to complete the CBR
9 requirements. Under CBR, a person's requirement to have an
10 IID installed can be extended if the person violates certain
11 conditions of the IID use requirements. The bill allows a
12 court to extend the IID requirements beyond the maximum time of
13 possible incarceration under CBR if violations occur.

14 The bill adds a requirement that new IIDs contain a camera
15 to take still photographs when the device prompts a person to
16 submit a breath sample. The photos can be used to confirm or
17 dispute a violation.

18 The DOT is required to suspend the registration of any
19 vehicle owned by a person subject to IID requirements who fails
20 to submit proof that an IID was installed on the vehicle.
21 However, a family member of the vehicle owner can submit an
22 affidavit to the DOT to waive the suspension under certain
23 circumstances. If a family member provides an affidavit under
24 the requirements of the bill but then allows the vehicle owner
25 to use the motor vehicle the family member is guilty of a
26 simple misdemeanor. A simple misdemeanor is punishable by
27 confinement for no more than 30 days and a fine of at least \$105
28 but not more than \$855.

29 The bill authorizes a person who is required to install an
30 IID on all motor vehicles owned or operated by the person to
31 operate an employer's motor vehicle without an IID, if required
32 as part of the person's employment duties, under certain
33 specifications as set forth in the bill.

34 The bill strikes a provision allowing a person whose
35 driver's license has been revoked under Code section 321J.21 to

1 apply to the DOT for a TRL without the requirement of an IID if
2 at least 12 years have elapsed since the end of the underlying
3 revocation period for a violation of Code section 321J.2.

4 The bill creates new criminal offenses for persons who
5 operate a motor vehicle either while revoked or without having
6 an IID installed when required on the motor vehicle. The
7 penalties range from a serious misdemeanor to a class "D"
8 felony. A serious misdemeanor is punishable by confinement
9 for no more than one year and a fine of at least \$430 but not
10 more than \$2,560. An aggravated misdemeanor is punishable
11 by confinement for no more than two years and a fine of at
12 least \$855 but not more than \$8,540. A class "D" felony is
13 punishable by confinement for no more than five years and a
14 fine of at least \$1,025 but not more than \$10,245.

15 The bill adds the requirement to install an IID on every
16 vehicle owned or operated by a person arrested for a third or
17 subsequent OWI offense as a condition of bail. The person is
18 required to provide proof that an IID was properly installed on
19 each required vehicle within 30 days of release.

20 The bill makes organizational and conforming changes to Code
21 chapter 321J.